

REMARKS

Applicant has carefully considered the rejections made in the Office Action mailed November 12, 2008 (the “Office Action”). Claims 2-4, 26, and 30 have been amended, claims 1, 5-25, 27-28, and 35-42 have been cancelled, and claim 43 has been newly added. Claim 26 has been amended to include all of the limitations of previously pending claim 25, claims 2-4 have been amended to depend from claim 26, and various other amendments have been made to the pending claims to correct the § 112 issues noted by the Office Action in its rejection of claims under 35 U.S.C. § 112, second paragraph.

Claims 2-4, 26, 29-34, and 43 are pending in this application. Applicant respectfully submits that in view of the amendments made and the remarks that follow, the application is in condition for allowance. Applicant earnestly solicits the Examiner for a Notice of Allowance.

Embodiments of the claimed invention include a support base for a bed mattress that includes at least two planar portions, an adjustable support means, and a differential displacement member. At least one planar portion can rotate relative to an adjacent planar portion so that a planar flexible continuous mattress is able to extend over both the rotatable planar portion and the adjacent planar portion. The adjustable support means can be at least partially mounted on the rotatable planar portion and can adjust a portion of the mattress resting on the rotatable planar portion out of a plane of extension of the adjacent remainder of the mattress. The differential displacement member can be connected to the rotatable planar portion and can engage the adjustable support means to

displace the adjustable support means towards the portion of the mattress resting on the rotatable planar portion.

Applicant respectfully traverses the Office Action's rejection of claim 26 under 35 U.S.C. § 102(b) as being anticipated by Jacobsen (U.S. Patent No. 4,307,477) and as being anticipated by Nielson (U.S. Patent No. 3,484,878). Unlike the claimed invention Jacobsen discloses a bedding arrangement that can support only a two part mattress, 20 and 21. This is quite different and unlike the claimed invention, which requires "a planar flexible continuous mattress able to extend over both the rotatable planar portion and the adjacent planar portion" of the support base for the mattress. (claim 26) (emphasis added).

Furthermore, Jacobsen discloses a support loop 16 that allows for the adjustment of back support component 14 of the bed frame 10. The Office Action seems to equate the support loop 16 of Jacobsen with the adjustable support means of the claimed invention. Jacobsen also discloses a back-supporting board 25 that can be raised upwardly with a lifting arm 27, lifting arms 30, and a roller 31 to displace a portion of the mattress 20. The Office Action seems to equate the back-supporting board 25, lifting arm 27, lifting arms 30, and roller 31 assembly with the differential displacement member of the claimed invention.

However, the claimed invention requires that the "differential displacement member engage[es] said adjustable support means so as to displace the adjustable support means towards a portion of the mattress." Jacobsen does not disclose such an arrangement. Rather, the support loop 16 is separate and is not engaged by any of the

back-supporting board 25, lifting arm 27, lifting arms 30, or roller 31. Furthermore, the support loop 16 is not displaced towards a portion of the mattress; when the support loop 16 is ever displaced, it is adjusted away from the back support component 14 and mattress 20 to support the same in an inclined position. See Jacobsen, col. 2, ll. 53-61. Accordingly, Jacobsen is quite different and unlike the claimed invention.

Similarly, Nielson is also quite different and unlike the claimed invention.

Nielson discloses a swingable frame 3 that can be adjusted to various inclined positions with a clamp 4. The Office Action seems to equate the clamp 4 with the adjustable support means of the claimed invention. Nielson also discloses eccentrics 8 that can be used to adjust a lamellae 5 attached to the frame 3 using an arm 6, a pivot 7, and a slide 10.

However, as explained above, the claimed invention requires that the “differential displacement member engage[es] said adjustable support means so as to displace the adjustable support means towards a portion of the mattress.” Nielson does not disclose any such arrangement. Rather, the clamp 4 is separate and is not engaged by any of the eccentrics 8, arm 6, pivot 7, or slide 10. Furthermore, the clamp 4 is not displaced towards a portion of the frame 3 or lamellae 5; when the clamp 4 is displaced, it is adjusted away from the frame 3 to support the frame in various inclined positions. Nielson, col. 3, ll. 37-44. Accordingly Nielson is quite different and unlike the claimed invention.

For at least these reasons, applicant respectfully submits that claim 26 is not anticipated by either Jacobsen or Nielson. Therefore, applicant respectfully requests allowance of this claim as well as newly added claim 43, which depends from claim 26.

Applicant also respectfully traverses the Office Action's rejection of claims 2-4 under 35 U.S.C. § 102(a) as being anticipated by Jacobsen and as being anticipated by Nielson. As amended claims 2-4 depend from claim 26 and as explained above, claim 26 is not anticipated by either Jacobsen or Nielson. Therefore, applicant respectfully submits that claims 2-4 are not anticipated by either Jacobsen or Nielson and requests allowance of these claims.

Applicant thanks the Office for its acknowledgement that claims 29-34 contain allowable subject matter. However, as explained above, applicant respectfully submits that claim 26, from which claims 29-34 depend, also contains allowable subject matter. Therefore, applicant respectfully requests allowance of currently pending claims 29-34 as well as newly added claim 43.

Applicant submits that the subject application is in condition for allowance and respectfully requests allowance of the application. Should the Examiner be of the opinion that a telephone call would expedite the prosecution hereof, the Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, such as a check being in the wrong amount,

Appl. No. 10/573,004
Amendment A
Responsive to non-final Office Action mailed November 12, 2008

unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920.

Respectfully submitted,

Dated: March 12, 2008

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